

Bureau of Engineering

Special Order

July 22, 2008

Special Order No. 07-0708

To All: Deputy City Engineers
Senior Managers
Group Managers

Subject: **NOTIFICATION TO UNIONS FOR CONSTRUCTION PROJECTS**
(Supersedes SO 05-0508, updating SEIU Local 347 certification to SEIU Local 721)

This Special Order is hereby issued to detail the requirements regarding Union Notification for Construction Projects, to be in effect until the requirements can be incorporated into the Bureau of Engineering (BOE) Project Delivery Manual (PDM). These will be added to PDM Procedure 8.1 titled "Plan Development Process" which is in Chapter 8 titled "Design Phase." References to the requirements will also be added to the Project Delivery Process Flowchart which is Attachment 1.3-1 in Procedure 1.3 titled "Project Delivery Flowchart." Lastly, a new item will be added to the Ready to Advertise (RTA) checklist to check that the notification has been properly completed before a project goes out to bid.

The City Charter requires that unions be notified about contracts in instances where the City determines that work can be performed more economically or feasibly by independent contractors than by City employees. The City Attorney and Chief Administrative Officer have determined that this Charter section, which has for a number of years been applied to all personal services contracting in the City, also applies to construction contracts. For work that we do in the BOE, the affected union that might be impacted is the Service Employees International Union (SEIU Local 721).

The Board of Public Works, working with BOE and after consultation with SEIU Local 721, has adopted a policy, a screening criteria, and a set of procedures for notifying SEIU Local 721 of our intent to advertise a construction project for bids in certain circumstances. As a general statement, SEIU Local 721 must be notified of projects that we plan to construct through the bid and award process if the project could be built entirely by City employees. This would generally mean by the employees of the Bureau of Street Services, the Bureau of Sanitation, the Department of General Services, or the Recreation and Parks Department.

Department staff met with SEIU Local 721 and agreed on the attached, streamlined, notification procedures. Following the procedures is important because doing so fulfills the Department's responsibilities under the Charter to notify SEIU Local 721 about upcoming construction projects that could be built by City forces. Failure to follow these steps could result in delays in awarding projects and delays in the start of construction. The attached procedure only applies to construction projects. Notification to the unions for personal service contracts shall continue to follow the previously published and long standing procedure outlined in the BOE's Project Delivery Manual Chapter 6 on Using Consultants, Procedures 6.1 and 6.4.

Effective immediately, Project Managers are required to follow the notification requirements that are attached to this Special Order. In order to assist Project Managers with this task, a new

entry screen has been added to Uniform Project Report System labeled "Notification to Union". Project Managers shall use this entry screen to record whether or not a project's scope falls 100 percent into the identified categories. In the vast majority of instances, this will not be the case, and all that will be required of the Project Manager will be to write a short comment describing why the work cannot be constructed 100 percent by City Forces. In those cases, this will be the end of the required documentation and no SEIU notification is necessary.


The Department agrees to notify SEIU Local 721 whenever construction project scopes fall within the criteria detailed in these guidelines, and can be completed entirely by City forces. Project Managers are required to notify SEIU Local 721 if their projects match the list of the types of projects in the attached guidelines. Notification should begin as early in the project design as feasible to avoid delays. The attached flow chart shows how to notify SEIU Local 721. The attached form titled "Construction Project Notification to SEIU Local 721" should be used by the Project Manager for all projects to document the steps outlined in the flow chart, and to notify SEIU Local 721 where necessary. Emergency projects and projects with federal funding requiring competitive bidding are exempt from these guidelines. Eventually the notification letters will be generated through UPRS. In the meantime, Project Managers should coordinate any such notifications through the Project Award and Control Division, who will assist with the process.

Forms to this special order can be downloaded from the Bureau's Forms Library at <http://boedata.eng.ci.la.ca.us/forms/index.htm>. Attachments 4 through 7 are in MS Word format and can be completed as appropriate when notifications are necessary. If revisions are made to the attachments, the updated versions will be uploaded to this site and an e-mail will be sent to all BOE employees informing users of the revised attachments. Project Managers should check BOE's Forms Library for the most current versions of the attachments.

Please contact the Division Engineer of the Project Award and Control Division if you have any questions about these procedures.

(TA DJW WHH)

- Attachment 1: Construction Project Notification Board Report, Adopted July 13, 2005
- Attachment 2: Construction Project Notification Guidelines
- Attachment 3: Construction Project Notification Process Flow Chart
- Attachment 4: Construction Project Notification to SEIU Local 721
- Attachment 5: Construction Project Form Letter to the Office of Management Employee Services
- Attachment 6: Construction Project Form Letter to Other Departments & Bureaus
- Attachment 7: Construction Project Proposal Form Letter to Other Departments & Bureaus

PACD/TA/JZ/MYT/gva Special Order No. 07-0708	Approved by:  Gary Lee Moore, P.E., City Engineer
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DEPARTMENT OF PUBLIC WORKS

COMMISSIONER JANICE WOOD

REPORT TO THE BOARD

July 13, 2005

CD-ALL

DEPARTMENT OF PUBLIC WORKS CONSTRUCTION PROJECT NOTIFICATION OF
SEIU LOCAL 347 RECOMMENDATIONS

RECOMMENDATIONS:

1. Adopt this report as the Department of Public Works policy and procedures regarding the notification of the Service Employees International Union Local 347 (SEIU Local 347) of certain construction projects that are either performed by or awarded by the Department of Public Works.
2. Instruct all Bureaus to immediately implement the above policy and procedures into the planning and processing of construction projects

TRANSMITTALS:

1. Construction Project Notification Guidelines
2. Construction Project Notification Process (Flowchart depicting steps 1-9)
3. Construction Project Notification Form to SEIU Local 347
(Steps 2-6 in the Flowchart)
4. Construction Project Notification Form Letter to OMES (Step 3 in the Flowchart)
5. Construction Process Notification Form Letter to other Departments or Bureaus
(Step 5 in the Flowchart)

BACKGROUND:

The Los Angeles City Department of Public Works ("Department") and the Service Employees International Union Local 347 ("SEIU Local 347") met on several occasions between December 2004 and March 2005 to discuss a process designed to strengthen the implementation of the Department's determination to have certain (eligible) construction projects performed by City forces; and avoid contracting them out to private entities, whenever feasible. Regarding the eligible projects, both sides agreed to enable SEIU Local 347 to continually monitor the number of those that are performed by its members (City staff) in relation to the projects that have been outsourced. It is therefore necessary to go beyond the current practice of notifying unions only in case of a contract with a non-City provider, as it has been established in the case of personal service contracts by the Department's Policy and Procedure regarding Advertising and

Outreach for Personal Services Contracts, adopted by the Board on December 24, 2002. SEIU Local 347 will be notified in the case of eligible construction projects from the early planning phase on (Step 2 in the flowchart depicting the Construction Projects Notification Process), regardless, if the ensuing process will result in contracting out the necessary work or performing the construction project with City forces.

POLICIES AND PROCEDURES:

In order to determine what kinds of construction projects trigger the Department's obligation to notify SEIU Local 347, the Construction Projects Notification Guidelines (Transmittal No. 1) list the respective tasks. How and when the notification needs to occur is found in the flowchart depicting the Construction Project Notification Process (Transmittal No. 2). The form for the Construction Project Notification of SEIU Local 347 shall be updated and e-mailed to SEIU Local 347 at any step in the construction project planning process that requires such notification (steps 2-6 in the flowchart). The generic form letters to Bureaus, other City Departments and OMES (Transmittals 4 and 5) will be adapted by any Bureau in charge of a construction project according to its specific needs and used at the appropriate step(s) in the above process.

CONCLUSION:

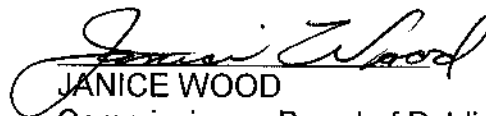
The recommendations as discussed in this report will streamline, standardize and implement procedures that ensure that all Bureaus within the Department of Public Works take consistent and relevant steps to maximize the number of construction projects performed by the City's own workforce. Whenever it is found to be necessary to award construction contracts to non-City entities, the Board will ensure that they will meet the latest City contracting requirements.

(VLS - JW - RL - YF)

Report reviewed by:

BCA, BOE, BOS, BSS, BSL

Respectfully Submitted by



JANICE WOOD

Commissioner, Board of Public Works

Report prepared by:

James Gibson
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JW/JG:aj

C:\Documents and Settings\Administrator\Mydocuments\Construction Project Notification Board Report

Construction Contract Notification Guidelines

The Los Angeles City Department of Public Works (“Department”) and the Service Employees International Union Local 721 (“SEIU Local 721”) met on several occasions to develop a process for notifying SEIU Local 721 whenever construction projects of the types listed below are being planned by Bureaus of the Department. These guidelines and the flow chart titled “Construction Project Notification Process” are the results of those meetings. The Department agrees to notify SEIU Local 721 whenever construction project scopes fall within the criteria detailed in these guidelines. Notification procedures will follow the flow chart. The attached form titled “Construction Project Notification to SEIU Local 721” should be used by the project manager to document the steps outlined in the flow chart and to notify SEIU Local 721 where necessary. To meet the notification guidelines, projects must be able to be performed in their entirety by City classifications. Emergency projects and projects with federal funding that require competitive bidding are exempt from these guidelines.

The Department and SEIU Local 721 understand that the guidelines and the procedures of notification are dynamic and may require changes in the future. The Department will meet with SEIU Local 721 as needed to address any future issues as they arise.

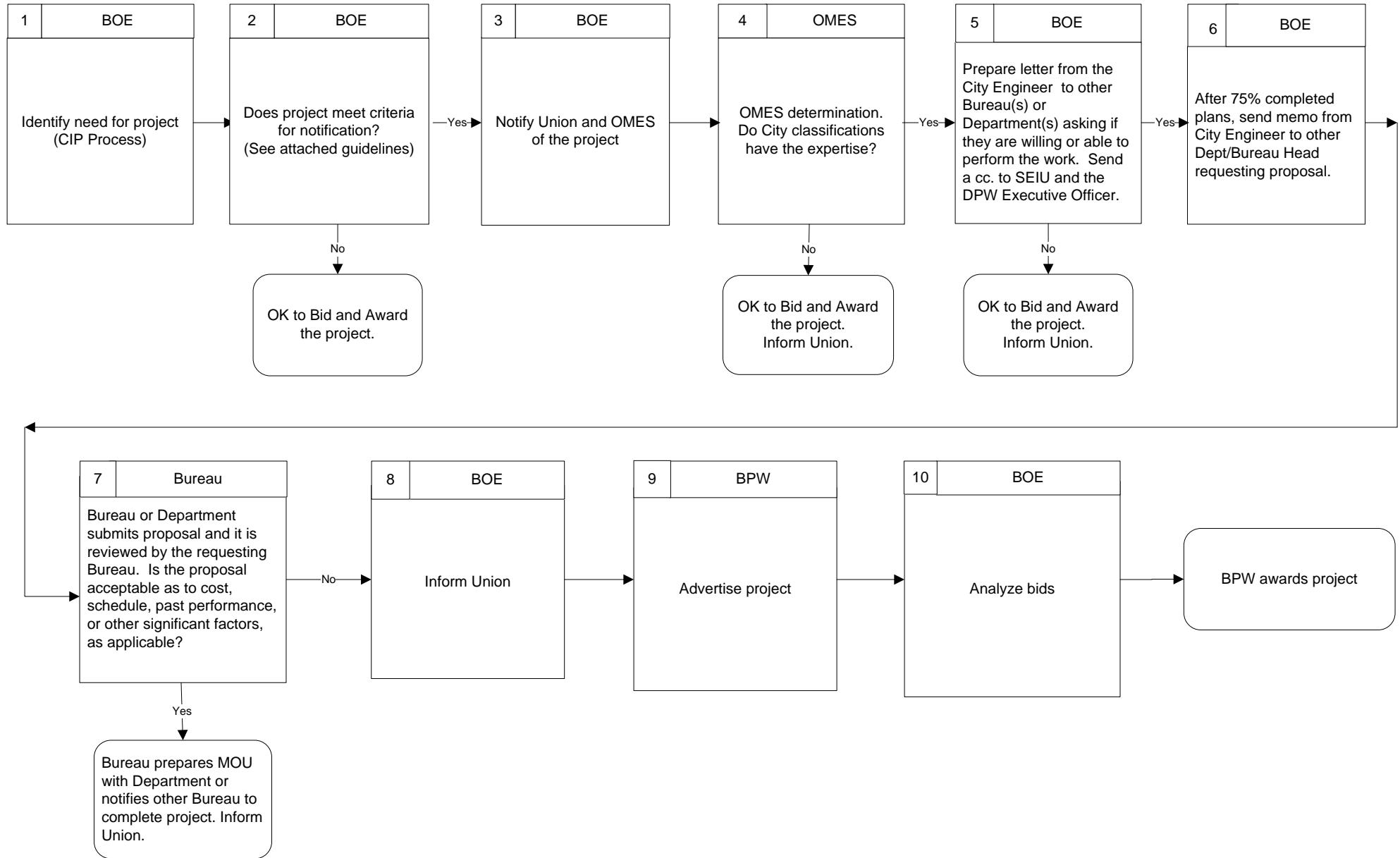
Project Types triggering Notification:

- 1. Bus Stop Improvement Projects**
- 2. Paving Projects**
Including streets, bike path projects and off-street parking lots.
- 3. Landslide or Slope Repair**
Except those that require pile supported retaining walls or other specialty construction.
- 4. Building Remodeling and Reconstruction**
Except for those projects that require HVAC, sprinkler systems, elevator/escalator, painting, glazing, structural steel, foundation drilling, pile supported foundations, or new construction.
- 5. Landscaping**
- 6. Irrigation**
- 7. Installation, Removal or Replacement of Furniture, Equipment, and Parts**
Including bike rack projects.
Except where installation is required by the manufacturer as part of the warranty.
- 8. Demolition**
Except if asbestos abatement or hauling off the demolition debris is required as part of the project.
- 9. Street Striping**

Key Points

- **All** Public Works projects must be reviewed for consideration under the above Guidelines. Only those projects that fall under the above Guidelines **and** can be constructed 100% by City employees are eligible for the SEIU Notification process.
- Copies of the Construction Project Notification to SEIU Local 721 form must be kept in the project files and completed for every Public Works project to document that the Notification Process has been followed. However, actual notification to SEIU is required only for projects that fall under the above categories and can be constructed in their entirety by City forces.
- Even if another City Department or Bureau has City forces available to construct a Public Works project and has submitted a proposal, BOE is not required to accept the City Bureau's or Department's proposal and enter into an MOU if it has been documented that the particular agency's past performance has failed to meet cost, schedule and/or minimum standards of quality criteria set by BOE.
- Notification to SEIU should be made as early as possible in the design phase if the Project Engineer (PE) or the Project Manager (PM) believes that the project meets the Notification Guidelines.
- PEs or PMs should contact the Project Award and Control Division Engineer if there are questions about notifying SEIU or if disagreements arise with SEIU during any phase of the project.

Construction Project Notification Process



Construction Project Notification to SEIU Local 721

Date:

Bureau in Charge of Project:

Project Title:

W.O. #:

Description:

Does this project meet criteria for notification to SEIU Local 721?

Yes: Specify criteria <Click criterion and move to top>
Send form to the SEIU Local 721 & OMES.
Date sent:

No: Reason:

File form, go through normal Bid & Award Process.

Do City Classifications have expertise?

Yes: Prepare letter to Bureau(s) or Department(s) for your own Bureau Director's signature.
Send form to SEIU Local 721.
Date sent:

No: Reason:

Go through normal Bid & Award Process.
Send form to SEIU Local 721
Date sent:

Can other Department(s) or Bureau(s) do the work in the time required?

No: Go through normal Bid & Award Process.
Reason:

Send form to SEIU Local 721.
Date sent:

Yes: Review Proposal from the other Department or Bureau.

Is Proposal from the other Department or Bureau acceptable?

Yes: Prepare MOU with other Department or request other Bureau to do the work.
Send form to SEIU Local 721.
Date sent:

No: Go through normal Bid & Award Process.
Reason:

Send form to SEIU Local 721.
Date sent:

CITY OF LOS ANGELES
INTERDEPARTMENTAL CORRESPONDENCE

Date:

To: William Weeks,
Personnel Director
Office of Management Employee Services

From: [Project Manager's Name]
[Division/Group Manager Name, Group/Division Name, Mail Stop #]
Bureau of Engineering

Subject: **OMES REVIEW FOR CITY CIVIL SERVICE CLASSIFICATIONS TO
PERFORM CONSTRUCTION**

Project Title:

W.O. #:

Description:

Construction Duration:

The scope of work for this project is:

The project meets the following criterion as stated in the Construction Contract Notification Guidelines, [Insert criterion].

Do City classifications have the expertise to complete the project in its entirety?

If so, in which Bureaus or Departments are these City classifications located?

Please send your response to this letter by [Insert Date]. If you have questions, please contact [Insert project manager's name] at [Insert contact phone number].

CITY OF LOS ANGELES
INTERDEPARTMENTAL CORRESPONDENCE

Date:

To: [Insert Name of Department / Bureau Head,
Insert Department / Bureau]

From: Gary Lee Moore, P.E., City Engineer
Bureau of Engineering

Subject: **STAFF AVAILABILITY TO PERFORM CONSTRUCTION**

Project Title:

W.O. #:

Description:

Approximate Construction Phase from [Date] to [Date]

The Bureau of Engineering (BOE) is designing a project which we feel could be constructed by City classifications within your [Department / Bureau].

The scope of work for this project is:

The proposed schedule for completion of the project is:

Please notify BOE if your [Department / Bureau] is capable of performing the scope of work in the time required.

Your answer should be forwarded to [Insert project manager's name and a contact phone number] at [Insert where proposal should be sent] by [Date]. If you have staff available, we will send 75% completed plans as soon as they are available. At that time, BOE will request a proposal from your [Department / Bureau].

If a response is not received by this date, we will assume that your [Department /Bureau] is not able to provide the requested services within the time frame requested.

Cc: Department of Public Works, Executive Officer
SEIU Local 721

CITY OF LOS ANGELES
INTERDEPARTMENTAL CORRESPONDENCE

Date:

To: [Insert Name of Department / Bureau Head,
Insert Department / Bureau]

From: Gary Lee Moore, P.E., City Engineer
Bureau of Engineering

Subject: **REQUEST FOR PROPOSAL TO PERFORM CONSTRUCTION**

Project Title:

W.O. #:

Description:

Approximate Construction Phase from [Date] to [Date]

Attached are 75% complete set of construction plans and specifications for the above listed project designed by the Bureau of Engineering. Per your reply to our previous memo dated [date of last memo] regarding this project, it was felt that this project could be constructed by City forces in your [Department / Bureau].

The scope of work for this project is:

The proposed schedule for completion of the project is:

Please notify the Bureau of Engineering (BOE) if your [Department / Bureau] is able to perform the scope of work in the time required. If your work forces are able to perform this work, please provide us with a proposal for completing this project. Include in your proposal, a cost estimate, when your work force can start the project, and a timeline to complete the required work.

Your proposal should be forwarded to [Insert project manager's name and a contact phone number] at [Insert where proposal should be sent] by [Date]. If a response is not received by this date, we will assume that your [Department /Bureau] is not able to provide the requested services in the timeframe requested.

Cc: Department of Public Works, Executive Officer